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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------|------------------|
| 09/687,518 | 10/13/2000 | Rich Karstens | PALM-3513 | 7809 |
| 7590 | 03/30/2004 | | EXAMINER | |
| Wagner Murabito & Hao LLP Third Floor Two North Market Street San Jose, CA 95113 | | | LE, DANH C | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2683 | |
| | | | DATE MAILED: 03/30/2004 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

| | | |
|-----------|-----------------|-----------------|
| | Application No. | Applicant(s) |
| | 09/687,518 | KARSTENS ET AL. |
| Examiner | Art Unit | |
| DANH C LE | 2683 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 26 January 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-33 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-33 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by

Casellini (US 6,404,860).

As to claim 14, Casellini teaches a method for automatically delivering a phone call to a device (col.4, line 14-col.5, line 24), said method comprising:

monitoring for incoming phone calls by a task of an operating system of said device, said task interfacing directly with the telephony functionality of said device, said task always remaining active irrespective of activities of said operating system; receiving said incoming phone call by said task; and said task notifying a user of said device of said incoming phone call irrespective of said user's activity on said device and without terminating said activities.

As to claim 15, Casellini teaches the method as recited in claim 1 wherein said portable electronic device is a palmtop computer system (col.1, line 28-38).

As to claim 16, Casellini teaches the method as recited in Claim 14 further comprising answering said incoming call by the user (col.4, line 14-col.5, line 24).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1-5, 13, 23, 24, 27-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casellini (US 6,404,860).

As to claim 1, Casellini teaches in a subscriber computer, a method for automatically delivering a phone call (col.4, line 14-col.5, line 24), said method comprising:

monitoring for incoming phone calls by a background task of an operating system of said device, said background task interfacing directly with the telephony functionality of said device, said background task always active, said operating system including at least one application;

detecting said incoming phone call by said background task;
notify said operating system of said incoming phone call by background task; and
notifying a user of said device of said incoming phone call by said background task irrespective of the user's activity on said device without terminating said application.

Casellini fails to teach a subscriber computer is a portable electronic device. However, the teaching of a portable electronic device is obvious since Casellini teaches

to handle an incoming directing to other device such as the mobile wireless handset. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of mobile wireless handset into the system of Casellini in order to permit the subscriber to be alerted about calls when the subscriber using the mobile wireless handset.

As to claim 2, Casellini teaches the method as recited in claim 1 wherein said portable electronic device is a palmtop computer system (col.1, line 28-38).

As to claim 3, Casellini teaches the method as recited in Claim 1 further comprising answering said incoming phone call by said user (col.4, line 14-col.5, line 24).

As to claim 4, Casellini teaches the method as recited in Claim 3 wherein said notifying said operating system comprises operating to notify said user of said device of said incoming phone call by said background task irrespective of said user's activity on said device, provided said graphical user interface is blocked (col.4, line 14-col.5, line 24).

As to claim 13, Casellini teaches the method as recited in Claim 3 wherein said answering is performed by acknowledging an incoming call display on said graphical user interface (col.4, line 14-col.5, line 24).

As to claim 23, Casellini teaches a system for automatically delivering a phone call to a device (col.4, line 14-col.5, line 24), said system comprising:
a processor coupled to a bus and a display screen coupled to said bus;

a memory unit coupled to said bus and having stored therein an operating system executed by said processor and a background task executed by said processor, said operating system including at least one graphical user interface; where said background task performs to the steps of monitoring for incoming phone calls by a background task of said operating system of said device, said background task interfacing directly with the telephony functionality of said device, said background task always active, said operating system including at least one application; detecting said incoming phone call by said background task; notifying said operating system of said incoming phone call by said background task; and notifying a user of said device of said incoming phone call by said background task irrespective of the user's activity on said device without terminating said application.

Casellini fails to teach a cellular phone mechanism. However, the teaching of a cellular phone mechanism is obvious since Casellini teaches to handle an incoming directing to other device such as the mobile wireless handset. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of a cellular mechanism into the system of Casellini in order to permit the subscriber to be alerted about calls when the subscriber using the mobile wireless handset.

As to claim 24, Casellini teaches the method as recited in claim 1 wherein said portable electronic device is a palmtop computer system (col.1, line 28-38).

As to claim 27, Casellini teaches the system as recited in Claim 23 wherein said background task monitors for said incoming phone calls (col.4, line 14-col.5, line 24).

As to claim 28, Casellini teaches the system as recited in Claim 27 wherein said background task receives said incoming phone calls (col.4, line 14-col.5, line 24).

As to claim 29, Casellini teaches the system as recited in Claim 33 wherein said background task notifies said graphical user interface of said incoming phone call (col.4, line 14-col.5, line 24).

As to claim 30, Casellini teaches the system as recited in Claim 29 wherein said graphical user interface is blocked, whereby said background operates to notify said user of said device of said incoming phone call irrespective of said user's activity on said device (col.4, line 14-col.5, line 24).

As to claims 5, 31-33, the combination of Casellini and Gonzalez teaches the system as recited in claim 23, the combination of Casellini and Gonzalez fails to teach the application is a graphical User interface and graphical user interface with an image of a cellular phone keypad and digitry. However, a graphic user interface and graphical user interface with an image of a cellular phone keypad and digitry are obvious since the programmer can implement the second window (101a) to GUI with an image of a cellular phone keypad and digitry. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of GUI the system of Casellini in order to enhance system performance of the subscriber computer so the subscriber can dial the phone number on the screen.

3. Claims 7-9, 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casellini in view of Gonzalez (EP 0940 964).

As to claims 7-9, 17-19, Casellini teaches the method as recited in claim 1, Casellini fails to teach the notifying said user is performed by activating a ringer, a vibrator, LEDS on said device. Gonzalez teaches the notifying said user is performed by activating a ringer, a vibrator, LEDS on said device (col.3, line 48-58, col.6, line 30-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Gonzalez into the system of Casellini in order to activate a virtual warning device.

4. Claims 10-12, 20-22, 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casellini in view of Baranowski (US 6,370,401).

As to claims 11-12, 21-22, 25-26, Yang teaches the method as recited in Claim 3 wherein step e) is performed by pressing a button on the keypad or device. Casellini fails to teach a headset and earbud coupled to said device. Baranowski teaches a headset and earbud coupled to said device (col.2, lines 7-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Baranowski into the system of Casellini in order to enhance system performance of the portable television phone.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C LE whose telephone number is 703-306-0542. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Danh C.Le


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